

CHRISTOPHER CHIOU
Acting United States Attorney
District of Nevada
Nevada Bar No. 14853

ALLISON J. CHEUNG, CSBN 244651
Special Assistant United States Attorney
160 Spear Street, Suite 800
San Francisco, California 94105
Telephone: (510) 970-4811
Facsimile: (415) 744-0134
E-Mail: allison.cheung@ssa.gov

Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KENNY JOHNSON,

Plaintiff,

vs.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

)
) Case No.: 2:21-cv-01997-EJY

)
) **MOTION FOR AN EXTENSION OF TIME TO**
) **PROVIDE THE COURT WITH A PAPER COPY**
) **OF THE CERTIFIED ADMINISTRATIVE**
) **RECORD**

) **(FIRST REQUEST)**
)
)

1 Defendant, Kilolo Kijakazi, Acting Commissioner of Social Security (the “Commissioner”), by and
2 through her undersigned attorneys, hereby moves for an extension of time to provide the Court with a paper
3 copy of the Certified Administrative Record (CAR) in this case. The Commissioner’s answer and CAR
4 are due to be filed by February 25, 2022

5 This Court has in the past in other cases denied the Commissioner’s motions to be relieved of
6 providing a paper copy of the CAR to the Court. In light of these orders, the Commissioner intends to file
7 her answer and an electronic copy of the CAR (e-CAR) on the current deadline of February 25, 2022.¹
8 However, the Social Security Administration’s Office of Appellate Operations (OAO), the Office of the
9 General Counsel (OGC), and the United States Attorney’s Office (USAO) remain unable to print and
10 provide a paper copy of the CAR by the current deadline. Cognizant of the Court’s orders, the
11 Commissioner requests a 60-day extension of time from February 25, 2022 to find a solution for the
12 submission of a paper courtesy copy of the CAR for the Court.

13 The Commissioner submits that no prejudice will result from granting this extension. Under the
14 scheduling orders in this district, Plaintiff’s motion for reversal and/or remand will be due in 30 days after
15 issuance of a scheduling order. Plaintiff will not be prejudiced by this extension, as Plaintiff’s counsel will
16 have access to the e-CAR that the Commissioner intends to file on CM/ECF on the current deadline, such
17 that Plaintiff’s motion can be drafted and filed. In addition, the scheduling orders of this district generally
18 allow the Commissioner to file a cross-motion to affirm and response to Plaintiff’s motion within 30 days
19 after Plaintiff’s motion is filed. Plaintiff is also generally allowed another 20 days to file an optional reply.
20 In light of this timeline, the earliest that the Court may require a paper copy of the CAR to adjudicate this
21 case will be 60 days after the CAR is filed.

22 For these reasons, the Commissioner respectfully requests that the Court grant this motion and
23 allow the paper CAR to be provided to the Court within 60 days after the answer/e-CAR are filed.
24
25

26 ¹ Defendant is concurrently filing a motion to be relieved of providing the Court with a copy of the CAR
on a compact disc, as was required pre-COVID.

1 Dated: February 17, 2022

Respectfully submitted,

2 CHRISTOPHER CHIOU
3 Acting United States Attorney

4 /s/ Allison J. Cheung
5 ALLISON J. CHEUNG
6 Special Assistant United States Attorney

7
8 IT IS SO ORDERED:

9
10 
11 UNITED STATES MAGISTRATE JUDGE

12 DATED: February 17, 2022